

# Notice of Allowability

Application No.

09/596,287

Examiner

Tuan C To

Applicant(s)

KOSTADINA, ROBERT D.

Art Unit

3663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--  
All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 09/10/2004.
2. ☒ The allowed claim(s) is/are 1-7,9-12,14,16,19,20,22,24-27 and 29.
3. ☒ The drawings filed on 15 June 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

THOMAS G. BLACK  
SUPERVISORY PATENT EXAMINER  
GROUP 3660

### **EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE**

This communication is an Examiner's reasons for allowance in response to application filed on 06/15/2000, assigned serial 09/596,287 and titled "Vehicle Control System Utilizing GPS Data."

The following is the Examiner's statement of reasons for the indication of allowable subject matter:

As indicated in the previous office action, claims 1-7, 9-11, and 22 were allowable. They are remained in a condition for allowance. The independent claims 12 and 16 have been amended to contain the allowable subject matter as indicated in the previous office action. Therefore, claims 12 and 16 are allowable as well as claims 14, 19, 20, 24-27, and 29. Claims 8, 13, 15, 17, 18, 21, 23, and 28 have been cancelled by the applicant.

The examiner has performed more search of prior art that are relevant to the subject matter as claimed but none of the reference fairly discloses "a vehicle control system/method comprising: a stability system for controlling a yaw rate of the vehicle in a predetermined manner, a database of various roads, including data on road surface type, a controller coupled to the anti-lock brake system, the traction control system and the stability system, the controller adapted to receive a vehicle position signal and a weather signal indicative of a proximate weather condition, and to produce a control signal in response thereto, the controller operable in a default mode wherein the controller outputs a predetermined default control signal, the controller determining the

road surface type associated with the vehicle position and further determining a road surface condition based on the road surface type and the proximate weather conditions, the control signal indicative of the road surface type and the road surface condition". None of the reference suggests a vehicle control system for controlling performance characteristic of the vehicle comprising: a controller coupled to the vehicle control system, the controller adapted to receive a vehicle position signal, the controller employing the position signal to determine at least one characteristic pertinent to the operation of the vehicle control system and outputting a control signal, and further adapted to receive a weather signal, wherein said weather signal affects said determination of said characteristic, said weather signal received through broadcast radio transmission, wherein the vehicle control system receives the control signal tailors its performance in response thereto".

Accordingly, the application is now set in a condition for allowance.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (703) 308-6273. The examiner can normally be reached on from 8:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (703) 305-8233.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/tc

November 17, 2004

  
THOMAS C. BLACK  
SUPERVISORY PATENT EXAMINER  
GROUP 3000